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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/672,534

09/26/2003

Greg A. Hupp

TI-36552

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EXAMINER

LAO, LUN S

ART UNIT

PAPER NUMBER

2614

NOTIFICATION DATE

DELIVERY MODE

03/12/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com

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| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | <p>Application No. 10/672,534</p> | <p>Applicant(s) HUPP, GREG A.</p> | |
| | <p>Examiner LUN-SEE LAO</p> | <p>Art Unit 2614</p> | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-9, 12 and 14-16.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Vivian Chin/
Supervisory Patent Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because: Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument regarding the claim objection (Remarks, page 5, second paragraph) was found persuasive. The objection is withdrawn.

Applicant argued the objection to the specification (Remarks, page 5, last paragraph).

The examiner's response is that a careful review of the portions of the specification cited by applicant ([0014]) did not find support for "The supervisory power circuit 134 signals the volume control circuit 136 when power sags below a pre-determined limit or threshold or when the power exceeds the specified or pre-determined limit. In this embodiment, the supervisor circuit monitors the voltage level". Therefore the objection is maintained.

Applicant further argued the rejections under 35 U.S.C. 112 to claims 2, 5 and 12 (see the remarks page 6, second paragraph). However, upon careful review of the specification, paragraph [0011], no support was found for the pre-amplifier being a Digital-to-Analog Converter in the specification. Further, one of ordinary skill in the art would recognize that a Digital-to-Analog Converter is not a pre-amplifier. Therefore, the 112 rejection to claim 5 is maintained.

Regarding applicant's argument of the 112 rejection to claims 5 and 12 (see the remarks page 7, last paragraph), the examiner's careful review of the specification at [0010] and the rest of the application did not find support for "the supervisory circuit detects the power signal used to drive the audio amplifier and DAC is beyond a pre-determined limit". Therefore the rejection to claims 5 and 12 is maintained.

The applicant argued that Yoon does not teach "a volume control circuit that activates at least one of the volume control inputs when the supervisory circuit detects the power used the pre-amplifier and audio amplifier is beyond a pre-determined limit (Remarks page 10, first paragraph).

The examiner respectfully disagrees. Yoon teaches a volume control circuit (see fig.2 (40)) that activates at least one of the volume control inputs when the supervisory circuit detects (50,30) the power signal-used the pre-amplifier (11) and audio amplifier(12) is beyond a pre-determined limit (reads on the power switching device (50)) (see figs. 2, 3 and col. 5 line 19 -col. 6 line 46 and col. 6 line 47-col. 7 line 67). Yoon thus meets the limitation as recited. Person of ordinary skill in the art would recognize that communication exist between power switching device (50) and power supply circuit (30) to the microcomputer (40) (see figs 2,3 and col.3 line 35-52). Applicant's arguments are not persuasive.